

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

INGURAN, LLC d/b/a STGENETICS, XY,  
LLC, and CYTONOME/ST, LLC,

Plaintiffs,

v.

ABS GLOBAL, INC., GENUS PLC, and  
PREMIUM GENETICS (UK) LTD,

Defendants.

Case No. 17-cv-446

**DEFENDANTS' MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendants ABS Global, Inc., Genus plc, and Premium Genetics (UK) Ltd respectfully move to dismiss XY, LLC's claims for misappropriation of trade secrets (each of which is labeled "Count VIII") and Inguran, LLC d/b/a STGenetics's claim for breach of contract (Count IX). These claims fail to state a claim upon which relief may be granted because they are precluded as a matter of law on res judicata grounds, and they should therefore be dismissed.

Even if it were not precluded, XY, LLC's claim under the Defend Trade Secrets Act, 18 U.S.C. § 1836, should be dismissed for failure to state a claim because the claim is based on conduct that occurred before the effective date of the Act. If the Court dismisses XY, LLC's claim on this ground, it should decline to exercise supplemental jurisdiction over the parallel state-law claim, pursuant to 28 U.S.C. § 1367(c)(4).

In addition, Defendant Premium Genetics (UK) Ltd moves, pursuant Fed. R. Civ. P. 12(b)(2), to dismiss the claims directed against it for lack of personal jurisdiction.

The grounds for this motion are more fully set forth in the accompanying memorandum.

Dated: August 11, 2017

Respectfully submitted,

/s/ Michael J. Modl

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